

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

## FILED

NOV 04 2004

INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42643

IN THE MATTER OF THE PETITION )  
OF THE CITY OF GARY, INDIANA )  
REQUESTING THE INDIANA UTILITY )  
REGULATORY COMMISSION TO )  
ESTABLISH THE TERMS AND )  
CONDITIONS OF THE SALE OF )  
CERTAIN PROPERTY OF NORTHERN )  
INDIANA PUBLIC SERVICE COMPANY )  
TO THE CITY OF GARY AND FOR A )  
DETERMINATION OF THE VALUE OF )  
SUCH PROPERTY UNDER INDIANA )  
CODE SECTIONS 8-1-2-92 AND 8-1-2-93 )  
RESPONDENT: NORTHERN INDIANA )  
PUBLIC SERVICE COMPANY )

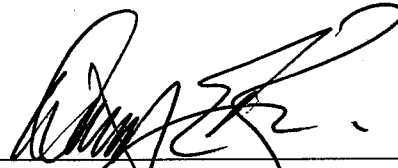
You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made in this Cause:

On October 12, 2004, the NIPSCO Industrial Group ("Industrial Group" or "Intervenor") filed a *Verified Motion for Leave to File Expert Testimony and Exhibits Under Seal* ("Motion"). In its Motion the Industrial Group indicated that portions of the prefiled testimony of Nicholas Phillips contain information designated as "confidential" by Northern Indiana Public Service Company, Inc., ("NIPSCO"). The Motion was not supported by an affidavit from NIPSCO regarding the information the company designated as confidential, and was not ruled on by the Presiding Officers.

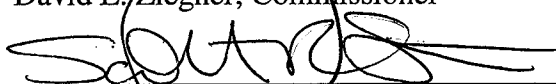
On November 3, 2004, the Industrial Group filed a *Motion for Leave to File Unredacted Prefiled Case in Chief of Intervenor, the NIPSCO Industrial Group* ("Motion for Leave"). In its Motion for Leave the Industrial Group indicated that it had been advised by NIPSCO that the company had removed the confidential designation from Exhibit NP-2, which was the subject of the request for confidentiality in the original Motion filed by the Industrial Group. Accordingly, the Industrial Group requested leave of the Commission to file an unredacted version of its prefiled testimony (which is attached as "Exhibit A" to the Motion for Leave).

The Presiding Officers have reviewed the Motion for Leave and hereby find that it should be GRANTED.

**IT IS SO ORDERED.**



David E. Ziegner, Commissioner



Scott R. Storms, Chief Administrative Law Judge

Date: November 4, 2004